

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NELSON RODRIGUEZ,

Petitioner,

Case # 18-CV-6757-FPG

v.

DECISION AND ORDER

JEFFERSON B. SESSIONS, et al.,

Respondents.

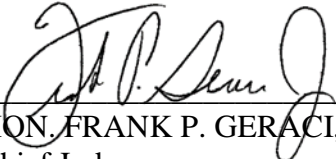
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On November 20, 2018, *pro se* Petitioner Nelson Rodriguez moved to appoint counsel. ECF No. 4. A habeas petitioner has no right to counsel, but under 18 U.S.C. § 3006A(a)(2)(B), “this Court has discretion . . . to appoint counsel to any person seeking relief under 28 U.S.C. § 2241 who is financially unable to obtain adequate representation . . . whenever . . . the interests of justice so require.” *Martinson v. U.S. Parole Comm’n*, No. 02Civ.4913, 2004 WL 203005, at \*2 (S.D.N.Y. Feb. 2, 2004) (internal quotation marks and brackets omitted). In making this determination, the Court considers, among other things, the threshold factor of “whether the petitioner’s claim seems likely to be of substance.” *Farmer v. United States*, No. 16-cv-6287, 2016 WL 1276461, at \*8 (S.D.N.Y. Mar. 30, 2016).

Here, it is unclear whether Petitioner’s claims are likely to be of substance. This case is in the early stages of litigation, as Respondents have yet to respond to the petition. Therefore, Petitioner’s Motion to Appoint Counsel (ECF No. 4) is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: January 22, 2019  
Rochester, New York

  
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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court